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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/738,360	12/16/2003	Yu Cheng	LMRX-P029/P1180	8563
32986	7590	07/27/2004	EXAMINER	
IPSG, P.C. P.O. BOX 700640 SAN JOSE, CA 95170-0640			EVERHART, CARIDAD	
			ART UNIT	PAPER NUMBER
			2825	

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/738,360

Applicant(s)

CHENG ET AL.

Examiner

Caridad M. Everhart

Art Unit

2825

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-11 and 13-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li, et al (US 6,693,043B1).

Li et al disclose that the method disclosed provides a less aggressive strip(col. 2, lines 35-42), so that it is implied that the photoresist will be removed more evenly, as in a more aggressive method it may be expected that the different regions would be more differentially attacked. In addition, the minimizing of the differences in an etch rate is a result of the method, not a step of the method, so that the preamble of the claim is not given a weight of a limitation in a method claim, and in the apparatus claims the statement does not result in apparatus structure, and therefore is not given weight.

Li et al disclose the steps of introducing a substrate having an underlayer and a photoresist layer(col. 3, lines 62-67 and col. 4, lines 1-10), flowing an etchant gas mixture which contains oxygen, a diluent such as nitrogen or argon or helium, and 0.1-5% of a gas such as CF₄ or C_xH_yF_x(col. 6, lines 7-15 and 18-20) which encompasses the recited compounds and which is within the recited percentages, striking a plasma(col. 6, lines 25-27), and etching the photoresist(col. 6, lines 40-41). That the substrate is a semiconductor substrate is implied by the disclosure that the process is for integrated circuits(col. 1, lines 7-8). Also included are the means for carrying out the process steps(Fig. 4 and col. 4, lines 40-60, as well as implied in the disclosure of the process steps as cited).

Li et al is silent with respect to the step of removing the substrate.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have removed the substrate from the chamber because it is conventional in the art to fill the via etched in the process taught by Li et al(col. 4, lines 7-8) with metallization, and it is known in the art to carry out this step in a separate chamber of a multichamber

apparatus in which the substrate is transferred by robotic arm to the next chamber of a multichamber apparatus.

Claims 12 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al as applied to claim 1 above, and further in view of Miller et al (US 6,432,832B1).

Li et al is silent with respect to a flat panel.

Miller et al teaches stripping photoresist from a panel (col. 1, lines 12-15) using a mixture similar to that taught by Li et al (col. 9, lines 42-55).

It would have been obvious to one of ordinary skill in the art at the time of the invention that the method and apparatus of Li et al could be modified for a flat panel in view of the disclosure made by Miller et al and because the damage to the underlying layers are prevented in the case of a flat panel as well as in the case of a semiconductor substrate.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Caridad M. Everhart whose telephone number is 571-272-1892. The examiner can normally be reached on Monday through Fridays 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Smith can be reached on 571-272-1907. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C. Everhart
7-25-2004


CARIDAD EVERHART
PRIMARY EXAMINER